

To strengthen
and promote
cities as centers
of opportunity,
leadership, and
governance.



**National League
of Cities**

1301 Pennsylvania Ave., N.W.
Washington, D.C. 20004-1763
202-626-3000
Fax: 202-626-3043
www.nlc.org

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May 2, 2005

David Siehl
Public Safety and Critical Infrastructure Division
Wireless Telecommunications Bureau
Federal Communications Commission
445 12th Street, S.W.
Washington, D.C. 20554

RE: WT Docket No. 05-157

Dear Mr. Siehl:

The National League of Cities (NLC) is submitting the following comments in response to the Federal Communications Commission's (FCC) *Public Notice*, FCC 05-80, released March 29, 2005 whereby the FCC seeks the input for a report mandated by §7502 of the Intelligence Reform and Prevention Act (P.L. 108-458). NLC also endorses the comments filed by the Association of Public-Safety Communication Officials-International, Inc.

NLC, established in 1924, is the oldest and largest national organization representing municipal governments throughout the United States. NLC serves as a national resource and advocate on behalf of over 1,600 member cities and for 49 state municipal leagues whose membership totals more than 18,000 cities and towns across the country. Acting on behalf of local governments, NLC aims to develop and advocate policies that strengthen and support cities.

NLC is pleased to provide comments to the FCC pursuant to the charge directed by Congress in §7502 (c) of the Intelligence Reform and Prevention Act which reads:

“The Commission shall:

- (1) Seek input from Federal, State, local, and regional emergency response providers regarding the operation and administration of a potential nationwide interoperable broadband mobile communications network; and
- (2) Consider the use of commercial wireless technologies to the greatest extent practicable.”

NLC has lobbied Congress for cleared spectrum for public safety use based on its policy adopted after the Oklahoma bombing. NLC policy specifically states:

“The Federal government must allocate sufficient telecommunications spectrum to cities for public safety use in order to enhance inter-operable communications among public safety and service agencies, and to ensure the ability of local governments to meet their responsibilities for public safety and emergency services. The Federal government must also involve cities as it develops standards for the

delivery of emergency information on cable systems.” (*National Municipal Policy §7.04 (A)*)

Since the bombing of the Oklahoma City Murrah Federal Building in 1995, NLC worked to ensure that city leaders have the resources and the best possible capability to prevent serious attacks to public safety in their communities and to respond when a catastrophic event occurs. In 1997, NLC coordinated with key Senate leaders and then U.S. Attorney General Reno to obtain new wireless telecommunications capacity exclusively for state and local public safety use. Also that year, NLC supported the Balanced Budget Act of 1997’s requirement that the FCC reallocate 24 megahertz of spectrum in the upper portion of the 700 MHz band (channels 60-69) for public safety use.

In 1998, NLC co-authored with the Department of Justice a guidebook entitled, *Public Safety and Radio Spectrum Guide* to help city leaders enhance their public safety communications capacity. The following year, NLC highlighted the need for continued legislative and regulatory action to clear the radio spectrum for public safety communication needs when Oklahoma City Councilwoman Ann Simank testified before the House Subcommittee on Oversight, Investigations, and Emergency Management. As a representative of NLC’s Public Safety and Crime Prevention Committee, Councilwoman Simank described the chaotic scene of the Oklahoma bombing site:

“That morning we learned firsthand the extreme importance of interoperable voice communications. Under the best of circumstances, when terrorism or natural disasters strike, you are working in chaos. But when you can’t communicate, your hands are tied.” (*Testimony of Oklahoma City Councilwoman Ann Simank, 1999*)

Two years later, the events of September 11, 2001 and the shortcomings of the public safety communication systems that day served as a reminder of Councilwoman Simank’s testimony. Our first responders must be provided with timely information and resources to play a leading role in emergency response. Unfortunately, because emergency responders do not share common broadcast frequencies, lives are at risk. The 9/11 Commission’s Final Report specifically stated that the inability of these first responders to talk with each other and their commanders resulted in loss of life on that day. The 9/11 Commission also identified the need for more spectrum as crucial to assist police, fire fighters and emergency responders in communicating during an emergency such as a terrorist attack or a hurricane.

NLC policy calls for the federal government to establish a comprehensive spectrum management master plan that includes input from all stakeholders, including local government. Project SAFECOM at the Department of Homeland Security is a great example of a federal agency incorporating the input of local governments to improve interoperable communications. The events of September 11, 2001 punctuated the fact that the federal government must establish as the highest priority for federal spectrum administration guaranteed, “interference-free”, interoperable domestic public safety and defense communications. This goal can only be achieved if FCC and Congress recognize that our government’s primary responsibility is to provide for the safety of its citizens. As such, the clearance of spectrum must be understood as an act of public safety.

NLC is prepared to work with Congress and the FCC, and all key stakeholders to ensure that a firm deadline is set for broadcasters to vacate the spectrum for public safety communication use. Thank you for the opportunity to comment on this most critical issue.

Sincerely,
/s/ Véronique Pluviose-Fenton
Principal Legislative Counsel

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